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Special Litigation Counsel to the Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re	:
	:
BB LIQUIDATING INC., <i>et al.</i> , ¹	:
	:
Debtors.	:
	:
	:
-----X	

Chapter 7
Case No. 10-14997 (BRL)
Jointly Administered

**CHAPTER 7 TRUSTEE’S MOTION FOR AN ORDER LIMITING
NOTICE OF MOTION (A) ESTABLISHING BAR DATES FOR FILING
CLAIMS, AND
(B) APPROVING THE FORM AND MANNER OF NOTICE THEREOF**

ROBERT L. GELTZER, as the Chapter 7 Trustee (the “Trustee”) of the of the jointly administered debtors BB Liquidating Inc., et al., (“BB” or the “Debtors”), by and through his undersigned counsel, submits this motion (this “Motion”) for entry of an order in substantially the form attached hereto as Exhibit A, pursuant to 11 U.S.C. § 105 and Federal Rules of Bankruptcy Procedure 3002 limiting notice of a motion (a) establishing deadlines for filing claims, and (b) approving the form and manner of notice of such deadlines (the “Bar Date Motion”). In support of the Motion, the Trustee represents as follows:

¹ The Debtors are: BB Liquidating Inc. (f/k/a Blockbuster Inc.); BB Liquidating Canada Inc.; BB Liquidating Digital Technologies Inc.; BB Liquidating Distribution, Inc.; BB Liquidating GC, Inc.; BB Liquidating Global Services Inc.; BB Liquidating International Spain Inc.; BB Liquidating Investments LLC; BB Liquidating Procurement LP; BB Liquidating Video Italy, Inc.; BB Liquidating ML, LLC; BB Liquidating Trading Zone Inc.; and BB Liquidating B2 LLC.

JURISDICTION

1. This Court has subject matter jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue of these Chapter 7 cases and this Motion in this District is proper under 28 U.S.C. § 1408. This Motion is brought pursuant to section 105 of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 3002 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

BACKGROUND

2. On September 23, 2010, the Debtors filed voluntary petitions for relief under Chapter 7 of the Bankruptcy Code.

3. Pursuant to a motion of the Debtors, the cases were converted to those under chapter 7 of the Bankruptcy Code on July 16, 2013.

4. The Trustee is the duly appointed and acting Trustee in the Debtor’s Chapter 7 case, having been appointed as interim trustee on July 22, 2013, pursuant to 11 U.S.C. § 701 and thereafter having become permanent trustee pursuant to 11 U.S.C. § 702(d) and by operation of law.

5. The Trustee has identified over 135,000 parties who are, arguably, entitled to notice as “creditors” regarding any Bar Date Motion.

RELIEF REQUESTED

6. By this Motion, the Trustee seeks entry of an order limiting notice of the Bar Date Motion.

7. At the onset of the Chapter 7 phase of the Debtors’ cases, the Trustee was informed that there were approximately 135,000 original creditors (the “Original Creditors”), whose claims amounted to over \$100,000,000.00.

8. Currently, the Trustee has approximately \$450,000.00 on hand which will be

available for distribution subject to the priorities of the Bankruptcy Code. Although the Trustee anticipates that he may collect additional monies for the benefit of the estate, it is unlikely that the Original Creditors will benefit from those additional monies. Noticing the Original Creditors of the Bar Date Motion would not only amount to an insurmountable expense for the Clerk's Office, but in light of the fact that no unsecured creditor will be receiving a distribution in these cases, service of the Bar Date Motion on the creditor body would be an exercise in futility.

9. In light of the aforementioned, the Trustee proposes the following modifications to the notice requirements otherwise imposed under the Bankruptcy Code and Bankruptcy Rules, with respect to the Bar Date Motion:

- a. The parties who shall receive notice of the Bar Date Motion shall include:
 - i. Parties listed on the Bankruptcy Rule 1019 statement filed in these cases;
 - ii. The Office of the United States Trustee;
 - iii. Debtors' counsel;
 - iv. Any taxing authorities;
 - v. those parties or attorneys for such parties who have formally requested notice by filing with the Bankruptcy Court a notice of appearance or request for services of notices and papers in these Cases;
 - vi. any local governmental units.

NOTICE

12. Notice of this Motion has been provided by facsimile, electronic transmission, overnight delivery, or hand delivery to (i) the Clerk of the Court for the Bankruptcy Court for the Southern District of New York, previously expressed that it would not object to the relief

requested;(ii) the Office of the United States Trustee for the Southern District of New York; and
(iii) Debtors' Counsel. The Trustee submits that, under the circumstances, no other or further
notice is necessary.

NO PRIOR REQUEST

13. No prior request for the relief requested herein has been made to this or any other
Court.

WHEREFORE, the Trustee respectfully requests that the Court enter an order in
substantially the form attached hereto as Exhibit A limiting notice as set forth herein and
granting such other and further relief as is just and proper.

Dated: December 19, 2013
New York, New York

Respectfully submitted,

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